S.B. Criminal Misc. Petition No.1171/2005

Date : 3rd April, 2006

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. N.L. Joshi for petitioner.
Mr. J.P.S. Choudhary, Public Prosecutor.

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.351 dated 13.09.2005 under Sections 328, 379 IPC Kotwali, Sri Ganganagar.

Heard learned counsel for the petitioner and the learned Public Prosecutor.

It is a case where immediately after lodging of the FIR, petition under Section 482 Cr.P.C. has been filed. The facts stated in the FIR disclose that the offence was committed while complainant was travelling in the train. The basic grievance of the petitioner is that in this case as per the contents of the FIR the offence was not within jurisdiction of Police Station Kotwali, Sri Ganganagar, therefore, it was prayed that FIR No.351 dated 13.09.2005 should be quashed.

During the course of the arguments, it was brought to the notice of the Court that in this case charge-sheet has already been filed, therefore, learned counsel for the petitioner wants to withdraw the petition. If the charge-sheet has been filed, then, the present petition has become infructuous. In the case after investigation it was found that the offence was committed within jurisdiction of the concerned police station if that is so, then this petition does not survive.

In view of above, the present petition stands dismissed as withdrawn with the observation that in case it is considered proper to filed petition u/s.482 Cr.P.C. after perusal of the charge-sheet, the petitioner shall be free to file the petition.

(SATYA PRAKASH PATHAK),J.